

TO: Mayor and Board of Trustees
FROM: Village Administrator Steve Stricker and Staff
SUBJECT: Regular Meeting of December 13, 2010
DATE: December 10, 2010

PLEDGE OF ALLEGIANCE

Agne Nakvosaite, Burr Ridge Middle School

PUBLIC HEARING – 2010 TAX LEVY

Enclosed is the public hearing notice for the 2010 Tax Levy. The Ordinance approving the Levy is item #6A on this Agenda.

6. ORDINANCES

A. 2010 Tax Levy

Enclosed is an Ordinance approving the 2010 Tax Levy. The total request for the 2010 Tax Levy is \$1,040,110, which represents an increase of \$92,587 or 9.77% over the previous year. Included in the calculation is an anticipated growth rate of 10%. As usual, it is expected that the Village will receive something less than the requested amount. The reason why we ask for more than we expect to receive is simply to ensure that we capture all the potential growth that has occurred in the Village over the past year.

The Tax Levy is actually made up of three separate Levies, the Corporate Levy, the Police Protection Levy and the Police Pension Fund Levy. Traditionally, the Police Pension Fund Levy is set first, based on the actuary's calculation for what is needed to fund the Police Pension Fund, with any additional dollars to be spread equally between the Corporate and the Police Protection Levies. However, for the past few years, the entire Tax Levy has been devoted to the Police Pension Fund and, in fact, the other two Levies had to be reduced in order to fund the actuaries' recommended amount.

The amount of property tax the Village contributes to the Police Pension Fund, has risen from \$515,891 two years ago to \$597,123 last year to \$704,237 currently. This represents a 36.5% increase in our funding requirement for the Police Pension Fund, which now utilizes approximately 70% of all of our tax levy dollars. This year's increase in the Police Pension Levy is \$107,114, approximately 18% more than last year's levy.

Recent legislation passed by the Illinois Legislature, which is expected to be signed into law by the Governor and to become effective on

January 1, 2011, provides for Police Pension reform and should help ease the burden on municipalities' Pension funding requirements. In discussion with the Village's police pension fund actuary, it has been determined that the Village could realize a 10-20% reduction in the amount needed to fund the Police Pension Fund.

With this in mind, I am providing the Board with two options. The first option is to leave the proposed Levy the same as discussed at the November 8 meeting. The other option is to set the Police Pension Levy at the same amount as last year and increase the Corporate Levy by \$107,115.

	Proposed Extended 2010 Option 1	Proposed Extended 2010 Option 2
Corporate	\$201,523	\$308,638
Police Protection	\$134,349	\$134,349
Police Pension	\$704,238	\$597,123
TOTAL	\$1,040,110	\$1,040,110

By choosing Option 2, the Village would have the flexibility to utilize these additional dollars in the Corporate Fund next year, with the understanding that, if the actuarial calculation that will be completed in July indicates a need for additional Police Pension funding, the Village would have the flexibility of transferring those dollars to the Police Pension Fund. If this amount is left in the Police Pension Fund, it will become restricted and will not be able to be used for any other purpose.

It is our recommendation: that the Tax Levy Ordinance maintaining the Police Pension Fund Levy at the same level as levied in 2009 be approved.

B. Annex Certain Property (Surrounded Territory)

Based on Board direction, a noise consultant, John Yerges, of Yerges Acoustics, was engaged to visit the truck depot site, meet with SAIA's noise consultants and to review and analyze all of the noise data collected, along with the proposed solutions presented by SAIA's attorney at the last meeting. The site visit and meeting with Shiner & Associates occurred on Tuesday, December 7. Due to the fact that our consultant will be meeting with our Working Group late in the afternoon on Friday, December 10, I am not able to provide our consultant's findings at this time. I will provide an update for the Board on Monday morning. Our consultant, Mr. John Yerges, will be present on Monday evening to discuss his findings. I have also asked SAIA's attorney, Scott Hargadon, to make sure his noise consultant is also present on Monday evening to answer any questions.

C. Special Use (324 Burr Ridge Parkway – Capri Ristorante)

Please find attached an Ordinance granting special use approval as per

the letter from the Plan Commission recommending approval of a request by Robert Spadoni on behalf of Capri Ristorante, at 324 Burr Ridge Parkway, for special use to enclose its existing outdoor dining area to accommodate year round use. The petitioner also requests special use approvals for two other restaurants in County Line Square which are addressed separately on the Board agenda.

The petitioner intends to enclose the outdoor decking, extend heating to the deck, and use the deck throughout the year. The roof on the deck would remain year round but the side walls would be removed in the summer. The roof and walls would be a vinyl awning material. It was previously an open air deck that could only be used in warmer temperatures.

The Plan Commission's primary concern with the modifications to the outdoor deck was that the petitioner understands the building code requirements that will have to be met and that the operation and appearance of the deck be consistent with other outdoor dining areas and with the original approval of outdoor dining at this location. Building code requirements include but are not limited to exit lighting and fire suppression sprinklers.

Due to there being no second meeting in December and knowing that the petitioner is looking to move forward with the improvements as soon as possible, staff has taken the liberty of preparing an Ordinance as per the Plan Commission's recommendation. This will allow the petitioner to proceed with a building permit application and as soon as the building permit is approved, proceed with the improvements to the deck.

It is our recommendation: that the Board concurs with the Plan Commission and approves the Ordinance as submitted.

D. Sign Approval and Variation (6800 North Frontage – Loyola Medicine)

Attached is an Ordinance granting approval of a request by Burr Ridge Medical LLC for conditional sign approval to allow two wall signs mounted more than 20 feet above grade and with a combined area of 250 square feet and for a variation to permit the private traffic directional sign of 50 square feet. The Plan Commission recommended approval of this request and the Board, at its November 22, 2010 meeting, directed staff to prepare the attached Ordinance.

It is our recommendation: that the Ordinance be approved.

E. Deny FAR Variation (8448 Walredon Drive – Chinwalla)

Attached is an Ordinance denying a request by Mr. Juzer Chinwalla for a variation to permit an 18 x 12 foot (216 square feet) sun room addition to an existing house with the combined floor area of the addition and the existing house exceeding the permitted Floor Area Ratio (FAR) of 0.2. The Plan Commission recommended denial of this request and the Board,

at its November 22, 2010 meeting, directed staff to prepare the attached Ordinance.

It is our recommendation: that the Ordinance denying the variation be approved.

F. Deny FAR Variation (8448 Park Avenue – Sambare)

Attached is an Ordinance denying a request by Mr. Dattatreya Sambare for a variation to permit a 317 square foot addition to an existing house with a combined Floor Area Ratio (FAR) of the addition and the existing house to be 0.22 rather than the permitted maximum FAR of 0.2. The Plan Commission recommended denial of this request and the Board, at its November 22, 2010 meeting, directed staff to prepare the attached Ordinance.

It is our recommendation: that the Ordinance denying the variation be approved.

G. Special Use (150 Shore Drive – A+ Remodeling)

Attached is an Ordinance approving a request by A+ Remodeling for special use approvals to permit the outside storage of vehicles and equipment for a roofing and remodeling contractor. The Plan Commission recommended approval of this request and the Board, at its November 22, 2010 meeting, directed staff to prepare the attached Ordinance.

It is our recommendation: that the Ordinance be approved.

H. Sale of Village-Owned Property (Toner Cartridges/Scanning Equip)

Enclosed is an Ordinance authorizing the disposal of Village-owned equipment that is obsolete and/or no longer usable or needed. The property to be sold includes toner cartridges that are not compatible with the Village's upgraded computers and printers that were installed in November and December 2009, the copier from the Police Department that was replaced when the Department moved into its new facility and a Microfish scanner that is no longer being used for document storage. The items listed in the enclosed Ordinance can be sold through an Internet service and the Village will receive a portion of whatever the final sale price might be. (The Village has used this process in the past to dispose of outdated, obsolete and/or unwanted equipment.) Once authorized by the Village Board, the company will come to the Village Hall and pick up the items, which will then be sold on consignment through the Internet.

It is our recommendation: that the Ordinance be approved.

I. Sign Approval and Variation (15W256 North Frontage Road – SAM)

At its November 15, 2010 meeting, the Plan Commission recommended approval of a request for conditional sign approval and

sign variations for a 50 square foot monument sign located five feet from the property line (16 square feet and 10 feet required). The Plan Commission's recommendation was subject to the sign panel being made of metal or stone rather than the proposed stucco.

At the November 22, 2010 Board meeting, the petitioner asked the Board to reconsider that condition prohibiting the use of stucco. The Board remanded the petition to the Plan Commission for further consideration.

At the December 6, 2010 meeting, the Plan Commission considered the petitioner's argument that the stucco sign would match the building and would remain an attractive sign over time. The Commission is concerned that the texture of the sign and the attached letters would hold dirt and be difficult to maintain. After its consideration, the Plan Commission once again, by a vote of 5-0, recommends approval of the petition with the condition that the sign panel be either metal or stone. The petitioner has informed staff that although not in agreement with the recommendation, he will accept the Commission's recommendation at this time.

It is our recommendation: that the Ordinance be approved.

7. RESOLUTIONS

A. Amend Premium Conversion Plan (Section 125 Plan)

In April 1992, the Village adopted Resolution #R-23-92 that approved a Premium Conversion Plan that would allow for employee-paid health and dental insurance premiums for dependent coverage to be deducted from an employee's paycheck before income taxes are calculated, thereby reducing the amount of income tax the employee would pay. With the implementation of the Flexible Spending Account, deductions for which can also be made pre-tax, our contracted Plan Administrator, Discovery Benefits, Inc., revised the Premium Conversion Plan to include the FSA contributions and changed the language to also include the employee-paid insurance premiums for single health and dental coverage that was included in the Police union contract and applied to all sworn and non-sworn employees. This revision to the Plan went into effect on March 1, 2007, and needs to be officially adopted by Resolution retroactively to that date. Enclosed is a Resolution adopting the revised Premium Conversion Plan, along with the revised Plan.

It is our recommendation: that the Resolution be adopted.

8. CONSIDERATIONS

A. Plan Commission Recommendation - Text Amendment and Special Use (Z-11-2010: 208 Burr Ridge Parkway – County Wine Merchants)

Please find attached a letter from the Plan Commission recommending approval of a request by County Wine Merchants at 208 Burr Ridge

Parkway for a text amendment to the Section VIII.B.2 of the Burr Ridge Zoning Ordinance to amend the B-1 Business District to modify the classification for "Wine Boutique" to "*Wine Boutique with ancillary service of wine and beer by the glass and with service of pre-packaged food for consumption on-site*" and requests special use approval as per the amended Section VIII.B.2 to permit an existing Wine Boutique to sell wine and beer for consumption on the premises.

The petitioner stated that many other wine boutique shops are now selling wine and beer by the glass and that his customers often request such service. He said that his business would be limited to four high-top tables and a few seats at the existing wine bar. He said he would also offer cheese, meats and crackers to his customers.

The Plan Commission is primarily concerned that the sales of wine and beer by the glass be limited as a secondary function of the packaged wine and beer sales and that any such business provide some type of food service even if it is pre-packaged cheese and crackers as proposed by the petitioner. The petitioner was able to assure the Commission that all of these terms and conditions would be met.

The petitioner has also been made aware that an amendment to the liquor code will be necessary to accommodate the proposed business plan. The liquor code currently does not include any licenses for alcoholic beverage service except when in conjunction with a restaurant. The petitioner does not meet the definition of a restaurant as he will serve only pre-packaged food and there will be on in-site preparation of food. Village staff has reviewed this issue with the Village Attorney who says that the Village could amend the liquor code to create a new category of licenses for to "*Wine Boutiques with ancillary service of wine and beer by the glass and with service of pre-packaged food for consumption on-site*" and to limit the number of licenses in this category to one.

It is our recommendation: that the Board directs staff to prepare an Ordinance approving this petition as recommended by the Plan Commission and that the Board direct the Village Attorney to prepare an amendment to the liquor code to accommodate the proposed, limited sales of wine and beer by the glass in conjunction with a wine boutique.

B. Plan Commission Recommendation - Deny Text Amendment and Approve Special Use (Z-12-2010: 114 Burr Ridge Parkway – Capri Express)

Please find attached a letter from the Plan Commission recommending denial of a text amendment to allow an outdoor food vending machine (gelato) and recommending approval of a special use to allow sidewalk tables and chairs. Capri Express is an existing casual and carry out restaurant located in the County Line Square Shopping Center.

The petitioner would like to use four tables each with four chairs to be

located on the sidewalk in front of the restaurant. No table service or alcoholic beverages are provided by the restaurant. The petitioner would also like to use a portable gelato machine for sidewalk sales of gelato. Outdoor food preparation is currently not permitted by the Zoning Ordinance.

The Plan Commission supports the special use for the sidewalk tables provided they do not block pedestrians on the sidewalk and they are consistent in design, materials and appearance with other sidewalk eating areas in County Line Square.

In regards to the outdoor food vending, the Commission is concerned about precedent and about compliance with health codes. If outside food vending is permitted, it could set a precedent for retail stores to display products outside. Additionally, it was not clear if outside food vending could comply with applicable health department regulations.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance denying the text amendment and approving the special use request.

C. Relief from Section 222 of the Building Ordinance (McNaughton) - Duration & Expiration of Building Permits

Woodland Park is a multiple building PUD located on the south side of 83rd Street east of South Frontage Road and north of Meadowbrook Drive. The PUD includes eight office buildings. Six buildings were completed a number of years ago and a seventh building is nearing completion. All of the buildings share access and parking and are commonly owned.

The owner and developer of Woodland Park, Bill McNaughton, appeared before the Board on August 10, 2009, and was granted relief from the Building Ordinance related to the duration of a building permit. The developer was allowed to construct two building foundations (the seventh and eighth buildings) and to let the foundations sit until tenants were signed, at which time the buildings would be completed. The extension expires December 31, 2010.

At this time, the seventh office building is nearing completion, but the other foundation for the eighth and final building remains without any vertical construction. The developer is now asking the Board to grant another extension for the eighth building. The developer agrees to continue to provide the bond or letter of credit to secure the removal of the foundation if a building is not constructed. The developer believes that he will have a tenant in 2011, and be able to complete the second building at that time.

It is our recommendation: that the Board approves this request subject to the following conditions:

1. Vertical construction of the eighth building shall commence before December 31, 2011.
2. If the vertical construction of the eighth building does not commence prior to December 31, 2011 or if additional extensions are not granted by the Village the owner shall remove the foundation, re-grade the building pad area, and establish a suitable ground cover over the disturbed area.
3. The developer shall post a letter of credit equal to 125% of the agreed upon cost for removal and restoration of the building pad area and extending to at least July 1, 2012.
4. If the developer fails to complete the removal and restoration of the building foundation areas after the expiration of the extended building permit(s) the Village shall have the right but not the obligation to draw on the Letter of Credit and have the removal and restoration work completed.

D. Pathway Commission Recommendation - Sidewalk on West Side of County Line Road from Woodgate to Cabernet Court

Please find attached a memo submitted on behalf of the Pathway Commission recommending that the Board direct the Village Engineer to proceed with preliminary engineering plans and grant application for the construction of a sidewalk on the west side of County Line Road between Woodgate Drive and the Cabernet Court Subdivision. The Board previously authorized the Village Engineer to proceed with engineering plans for sidewalks on the east side of County Line Road between Longwood Drive and 60th Street and on the west side of County Line Road between Woodgate Drive and 60th Street. The recommended sidewalk project would complete sidewalks on both sides of County Line Road between Plainfield Road and 60th Street (the Village's northern border in this area).

The Pathway Commission reviewed the preliminary engineering plans for the previously authorized County Line Road sidewalk projects. As a result of that review, the Pathway Commission is also recommending that the Village apply for grant funding for the County Line Road sidewalks. It is the Commission's belief that as long as the Village is seeking grant funding that the last remaining section of County Line Road sidewalk in this area should be included.

Staff asked the Pathway Commission if they thought a new public hearing should be conducted for this sidewalk project. A public hearing was held to consider sidewalks in general (either side of the street) on County Line Road north of Plainfield. At the conclusion of the public hearing, the Village decided to proceed with only the east side and that portion of the west side north of Woodgate. The subject sidewalk section is south of Woodgate. The Pathway Commission felt that the previous public hearing was sufficient. However, staff believes that residents of Burr Ridge Club left that process thinking a

decision was made not to construct a sidewalk in front of their subdivision. Therefore, it is our recommendation that the Board authorize and direct the Pathway Commission to conduct a public hearing to consider a sidewalk on the west side of County Line Road from Woodgate Drive south to Cabernet Court Subdivision.

E. Pathway Commission Recommendation - Residents Shovel Sidewalk

At several recent meetings, the Pathway Commission has discussed snow removal on Village sidewalks. The Pathway Commission has concerns about residents' ability to use sidewalks during winter months.

The Commission expressed their understanding that Village removal of snow is cost prohibitive and that it may not be appropriate to require snow removal from public sidewalks. However, it is the Pathway Commission's recommendation that the Village encourage residents to remove snow from sidewalks in front of their homes as a good neighbor policy. The Commission requests that the Board direct staff to place an article in the Village newsletter and on the Village's website.

Please note that the Village's current policy regarding sidewalk shoveling is expressed in text included in the Pathway Map. A paragraph on the back side of the map states that: "The Village does not shovel pathways or sidewalks. It is at the individual homeowner's discretion whether they wish to shovel the snow on the pathways in front of their homes, however, there is no legal requirement to do so."

Board direction is requested.

F. Plan Commission Recommendation - Deck Setback Variation (V-06-2010: 8449 Omaha Drive – Phillips)

Please find attached a letter from the Zoning Board of Appeals recommending approval of a request by Mr. Gary Blanford on behalf of Mr. William Phillips for a variation from Section IV.I.32 of the Zoning Ordinance to permit a deck/upper terrace to encroach into the 40 foot setback from the corner side yard property line (Navajo Court). The property is located at 8449 Omaha Drive.

The petitioner has an existing non-conforming deck that they would like to replace with a terraced patio. The lot is uniquely configured as the rear yard and corner side yard setback are impacted by the cul de sac turnaround on Navajo Court and there is an entry door on the deck that requires additional exterior landing area to comply with the building code. The Plan Commission determined that these were unique conditions to the property which justified the relief requested by the petitioner.

It is our recommendation: that the Board concurs with the ZBA and directs staff to prepare an Ordinance granting the variation.

G. Plan Commission Recommendation - Special Use re Outdoor Dining (Z-12-2010: 118 Burr Ridge Parkway –Capri Mex)

Please find attached a letter from the Plan Commission recommending approval of a request by Robert Spadoni on behalf of Capri Mex restaurant at 118 Burr Ridge Parkway for special use approval to allow sidewalk tables and chairs. Capri Mex is a proposed restaurant in the County Line Square Shopping Center.

The outdoor dining would be limited to three tables each with four chairs. Capri Mex is a casual and carry out restaurant that would not serve alcoholic beverages and would not have table service for the outside dining area.

The Plan Commission supports the special use for the sidewalk tables provided they do not block pedestrians on the sidewalk and they are consistent in design, materials and appearance with other sidewalk eating areas in County Line Square.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance granting the special use.

H. Pathway Commission Request - Public Hearing for Madison Street Sidewalk, on East Side of Street, from 87th to 89th Streets

Please find attached a memo prepared by staff on behalf of the Pathway Commission requesting to conduct a public meeting for consideration of a sidewalk on the east side of Madison Street between 87th Street and 89th Street. The Pathway Commission discussed this project at their November 11, 2010 meeting in anticipation of the Pathway budget for fiscal year 2011-12.

There is an existing sidewalk in this location which extends for about one-half of the length between 87th and 89th Streets. That sidewalk has been constructed as part of two separate subdivisions. The remaining sidewalk sections appear to be unlikely to be constructed by private parties in the near future. The length of this sidewalk would be about 500 feet and the estimated cost is \$30,000. This is the highest ranked sidewalk project in the 2009 Pathway Plan that is not already being planned.

If authorized by the Board of Trustees, the Pathway Commission would conduct a public hearing at their January 6, 2011 regular meeting. If they decide to recommend this project and the Board concurs, it is anticipated that it would be constructed in the 2011-2012 fiscal year.

It is our recommendation: that the Board authorize the Pathway Commission to hold a public hearing.

I. Pathway Commission Request - Public Hearing for Plainfield Road Sidewalk on South Side of Street, from Manor Dr. to Hillcrest Drive

Please find attached a memo prepared by staff on behalf of the Pathway Commission requesting to conduct a public meeting for consideration of a sidewalk on the south side of Plainfield Road between Manor Drive and Hillcrest Drive. The Pathway Commission discussed this project at their November 11, 2010 meeting in anticipation of the Pathway budget for fiscal year 2011-12.

There is an existing sidewalk between Hillcrest Drive and Shady Lane. That sidewalk was constructed as part of a subdivision development. The properties adjacent to the proposed sidewalk are already subdivided and construction by a developer is not an option. The length of this sidewalk would be about 380 feet and the estimated cost is \$48,000. This is the second highest ranked sidewalk project in the 2009 Pathway Plan that is not already being planned.

If authorized by the Board of Trustees, the Pathway Commission would conduct a public hearing at their January 6, 2011 regular meeting. If they decide to recommend this project and the Board concurs, it is anticipated that it would be constructed in the 2011-2012 fiscal year.

It is our recommendation: that the Board authorize the Pathway Commission to hold a public hearing.

J. Contract for Tree Trimming

The area scheduled to be pruned during the 2010-2011 winter season is Area 7. This area is bounded by 87th Street on the north, 97th Street on the south, Rt.83 on the west, and County Line Rd. on the east.

Trees larger than eight inches in diameter are trimmed by a contractor, while all other trees in the area are trimmed by Forestry Division staff. Approximately 1,178 trees, with a diameter total of 16,666 inches, will be contractually pruned by Winkler's Tree Service, at a cost of \$60,000, which is equivalent to the FY 2010-2011 budget for this item. Forestry and Grounds staff will be responsible for pruning approximately 536 trees within the same area, including all Village owned trees along County Line Road, the Forest Edge subdivision and Rustic Acres.

The Village has maintained a tree trimming contract with Winkler's Tree Service of LaGrange Park for over 15 years, and Winkler's has become proficient as providing this service to the Burr Ridge standard; and the Village has been pleased with the quality of work performed by Winkler's crews. Winkler's has agreed to hold their previous year's price, which is \$3.60 per diameter inch.

It is our recommendation: that the contract for tree trimming be

awarded to Winkler's Tree Service in the amount of \$60,000.

K. Approval of Vendor List

Enclosed is the Vendor List in the amount of \$513,265.02 for all funds, plus \$190,916.88 for payroll, for a grand total of \$704,181.90. The Vendor list includes the following special amounts:

- \$87,902.20 – Davis Concrete Construction Co. for Elm Street Sidewalk construction
- \$141,651.18 – Vian Construction Co. for Phase 1 of the West Babson Park Water Main Extension Project

It is our recommendation: that the Vendor List be approved.